
WORKFORCE INVESTMENT ACT OF 1988

Section 188 – Nondiscrimination

July 1, 2010

METHODS OF ADMINISTRATION (MOA) WORKFORCE INVESTMENT ACT 1998

Introduction

The Methods of Administration (MOA) is designed to assure the Secretary of Labor that Arkansas WIA Programs financially assisted by the Department operates in a nondiscriminatory manner, has been a requirement of the State of Arkansas since 1984. The State of Arkansas has been faithful in implementing and maintaining the MOA under JTPA and has updated the MOA to meet WIA requirements. The following are the nine (9) elements of the MOA:

1. Designation of State and Local-level Equal Opportunity (EO) Officers
2. Notice and Communication
3. Review Assurances, Job Training Plans, Contracts and Policies and Procedures
4. Universal Access
5. Compliance with Section 504 of the Rehabilitation Act of 1973, as Amended
6. Data and Information Collection and Maintenance
7. Monitor Recipients for Compliance
8. Complaint Processing Procedures
9. Corrective Action/Sanctions

ELEMENT 1

ELEMENT 1
DESIGNATION OF STATE AND LOCAL LEVEL EO OFFICERS
(Reference: 37.54(d)(1) ii Section 188(e))

In accordance with the Department of Labor's regulations at 29 CFR 37.23 implementing Section 188 of WIA, the statute's provision regarding nondiscrimination, the Workforce Investment Board has assigned the Equal Opportunity Manager at Arkansas Department of Workforce Services (ADWS) the liaison with United States Department of Labor (USDOL) Civil Rights Center, to act as liaison and coordinate activities with local-level workforce investment board EO officers. In carrying out this responsibility such duties shall include the development and implementation of the Methods of Administration pursuant to 29 CFR part 37.54.

Background Information ES/UI

The Arkansas Department of Workforce Services (ADWS) was established in 1937 and is dedicated to providing the citizens of Arkansas the best employment services possible. ADWS is responsible for administering unemployment insurance training programs under the Wagner-Peyser Act, and other federal employment and training programs. ADWS provides employment services to Arkansas employers, employees, and job seekers through 27 job service offices and three satellite offices. These services include helping employers find qualified workers, assisting job seekers in locating suitable employment, administering the unemployment insurance program, supplying labor market information, and providing referrals to job training programs to enable job seekers to gain the knowledge, skills, and abilities they need to qualify for the jobs that are available. ADWS also provides administrative oversight of the Workforce Investment Act.

Arkansas' Unemployment Insurance (UI) program provides help to workers, businesses, and communities that have been affected by lost jobs and payrolls. Workers who have sufficient job experience and earnings in covered employment can qualify for weekly benefits which help them to withstand the financial and emotional impact of unemployment. Benefit payments also help the community by delaying the full monetary impact of major business closures and/or massive layoffs.

Currently, all employment and employment-related services are being consolidated under the federal Workforce Investment Act of 1998 (WIA), ADWS and the Workforce Investment Board have taken the lead in coordinating this consolidation for the State of Arkansas. This coordination includes working closely with the Department of Workforce Education and Arkansas Rehabilitation Services as well as with the private non-profit agencies that provide employment and training services in the 10 Arkansas service delivery areas. ADWS UI Program is part of the Workforce Investment System.

Operation of Arkansas Workforce Investment System

Arkansas State Workforce Investment Board is an entity with members and percent representation by business and industry. The board assisted in the development of the statewide workforce investment system. Following a process that included public comment, discussions with local officials, and the recommendation of the state board, eleven local workforce investment areas were designated by the Governor. Each area has a local board appointed by the chief local elected official and comprised of percent representation by business and industry.

The workforce investment system is the primary mechanism through which the strategic economic and workforce development goals will be attained. A statewide one-stop system is the vehicle to deliver local services. Three tiers of local responsibility for one-stop systems are the establishment of a local workforce investment board. Designation of one-stop operators by the local board, and selection of both required and optional one-stop partners. Adults, dislocated workers, and youth aged 18-21 may receive core, intensive, and training services. Core services (individual assessment, job search, and placement assistance) are universally available to all customers at the one-stop center. Intensive services (comprehensive assessment, development of individual employment plan, case management) are available to persons unable to obtain employment as a result of receiving core services. Intensive services may be provided by one-stop partners or may be contracted to an outside entity. Training services, limited to eligible individuals unable to obtain employment as a result of receiving intensive services, may include occupational skills training, on-the-job training, and customized training. These services are made available through providers certified by the local workforce investment board. Recognizing that customer choice is an essential ingredient of the redesigned workforce investment system, individuals access training services through the use of individual training accounts.

Structure of Arkansas's Workforce Investment System

Arkansas' one-stop system delivery is structured in ten (10) local workforce investment areas. Included in certification criteria for one-stop delivery system is the following:

Nondiscrimination and Equal Opportunity Provisions

Workforce Center operators and partners and respective staff must assure that applicants, claimants, participants of One-Stop programs shall not be discriminated against on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief and, if receiving WIA program benefits, citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity (Section 188 of WIA and 29 CFR Part 37.20 identifies civil right laws).

Nondiscrimination policies and included in MOU's

Workforce Center operators and partners must agree on a single One-Stop Equal Opportunity Officer who will process local complaints of discrimination and attempt to address same as prescribed by 29 CFR part 37, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIA." The parties to this agreement will abide by 29 CFR part 37, Section 188 of WIA, and implementing directive issued by the State.

Currently, there are nine (9) Local Level EO Officers, one (1) State Level EO Officers and one clerical staff.

State EO duties and responsibilities

Pursuant to the authority in 29 CFR Sections 37.23 – 37.28 the Equal Opportunity Manager is hereby designated as the person responsible for receiving, investigating and resolving any complaint alleging a violation of the nondiscrimination and equal opportunity provisions of the Act, Section 188 or 29 CFR Part 37. The EO Officer:

- will conduct compliance reviews and complaint investigations and, in order to correct violations, shall negotiate conciliation agreements, suggest remedies, and initiate enforcement action;
- will provide training and technical assistance for the local WIB EO Officers and staff, to ensure compliance with nondiscrimination provisions applicable to recipients of federal financial assistance;
- will serve as the recipient's liaison with CRC;
- will serve as the point of contact for all recipient personnel who have questions about WIA's nondiscrimination and equal opportunity programs;
- will (with his/her staff) monitor the activities and services of the recipient and its recipients to ensure nondiscrimination and equal opportunity;
- will adopt, publish, and oversee the recipient's procedures for processing discrimination complaints;
- will maintain the level and knowledge, skills, and abilities necessary to carry out his/her responsibilities fully and effectively;
- will be responsible for the development and certification of the MOA;
- will implement EO training; and
- will also be designated as the Americans with Disabilities Act Coordinator.

Local-level duties and responsibilities

(a) Each recipient/LWIB except small recipients and service providers must designate a senior level employee to act as EO Officer and to report directly to the recipient's highest level official.

(b) The EO Officer shall:

1. serve as the recipient's liaison with CRC and the WIA EO Officer;
2. monitor and investigate the activities of the recipient and the activities of the entities that receive WIA Title I funds from the recipients, to ensure that the recipients' and its subrecipients are not violating their nondiscrimination and equal opportunity obligations;
3. review the recipient's written policies to assure that those policies are nondiscriminating;
4. coordinate the recipient's compliance activities under WIA Section 188 and 20 CFR Part 37;
5. assist complainants in completing complaint forms;
6. be responsible for accepting discrimination complaints, and forwarding such complaints to the WIA EO Officer; and
7. complete, at the recipient's expense, training to maintain competency when such training is required by CRC or the Workforce Investment Board;
8. serve as liaison to the WIA EO Officer in all matters concerning the state EO Methods of Administration;
9. provide EO training to the local WIB and to the staff of any contractor or subcontractor;
10. develop, maintain and implement the local WIB Methods of Administration on nondiscrimination and equal opportunity;
11. revise any job description to reflect the requirements for nondiscrimination and equal opportunity;
12. handle any non-criminal grievance or complaint; and
13. serve as a focal point for activity with WIB jurisdiction such as outreach to broaden the composition of applicant, registrant and participant pools;
14. serve as designated American with Disabilities Act Coordinator.

**WIA Equal Opportunity Manager
for the Workforce Investment Board**

Gloria Johnson (Gloria.Johnson@arkansas.gov)
P. O. Box 2981
Little Rock, AR 72203
(501) 682-3106
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

**WIA Equal Opportunity Officers for the
Local Workforce Investment Board**

Tina Roush – Central (tina.roush@arkansas.gov)
Executive Administrator/EO Officer
P. O. Box 300
Lonoke, AR 72086
501-676-2721
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Lori Malone – Eastern (lori.malone@arkansas.gov)
EO Officer
2003 W. Broadway
West Memphis, AR 72301
870-733-3507
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Bobbie Jo Haley – North Central (bobbiejo@wrpdd.org)
EO Officer
1652 White Drive
Batesville, AR 72501
870-793-5233
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Ann Rackley – Northwest (ann.rackley@nwacdc.org)
EO Officer
P. O. Box 1613
Harrison, AR 72602-1613
870-741-6746
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Shawnaa Flanigan – Southwest (shawnaa.Flanigan@arkansas.gov)
EO Officer
P. O. Box 767
Magnolia, AR 71753
870-234-4030
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Laura Robertson – West Central (lauralrob@yahoo.com)
Case Manager/EO Officer
104 South Rochester
Russellville, AR 72801
479-880-1344
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Harold Wilson – Western (hjwmail@gmail.com)
EO Officer
P. O. Box 1266
Van Buren, AR 72957
479-474-7061
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Brenda Winston – Little Rock (Brenda.Winston@arkansas.gov)
EO Officer
3901 University – Suite 24
Little Rock, AR 72204
(501) 682-8038
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

Linda Youngman (linda.youngman@arkansas.gov)
Career Service Advisor/EO Officer
2809 Forrest Home Road
Jonesboro, Arkansas 72401
870-910-8129
AR Relay Service 1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

The State and local-level EO officers have staff and resources available to him/her from a vast array of agencies/departments such as (1) Arkansas Department of Information System (DIS), (2) Office of Training & Employment Services, (3) Arkansas Department of Workforce Services (ADWS) Legal Services, (4) ADWS Information & Technology, and (5) ADWS Employment Assistance and State Building Service – training on ADA compliance.

<u>State Equal Opportunity</u>	
<u>Support Agency</u>	<u>Activities</u>
ADWS Legal Services	provides assistance in reviewing all contracts and Grants for compliance
ADWS Information & Technology	provides PEER reports
ADWS Employment Assistance	provides assistance in developing EO procedures and monitoring
Department of Information System	provides EO reporting for AWIS
Office of Training and Employment Services	provides funding for staff training
Civil Rights Center	provides training
Arkansas Vocational Rehabilitation	provides training

ATA	purchase equipment for individuals with disabilities
Arkansas School for the Blind	provide training.

Local-Level Equal Opportunity

<u>Support Agency</u>	<u>Activities</u>
Arkansas Vocational Rehabilitation	provides training
Arkansas Workforce Center Career Partners	provides training and funding
State Building Service ADA Compliance	provides training
Arkansas School for the Blind	provides training

Source

ADWS/Workforce Board Budget –

Local-Level Workforce Board Budget –

Designation of Equal Opportunity Officer

Directive to State’s Recipients and subrecipients, as to the actions the State must take to comply with 29 CFR 37.23 – with regard to EO officers –

Arkansas Career Development Network Workforce Center Career Development Certification Instrument –

Nondiscrimination and Equal Opportunity Provisions

Workforce Center operators and partners and respective staff must assure that applicants, claimants, participants of One-Stop programs shall not be discriminated against on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief and, if receiving WIA program benefits, citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity (Section 188 of WIA and 29 CFR Part 37.20 identifies civil right laws).

Workforce Center operators and partners must agree on a single One-Stop Equal Opportunity Officer who will process local complaints of discrimination and attempt to address same as prescribed by 29 CFR Part 37, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIA." The parties to this agreement will abide by 29 CFR Part; Section 188 of WIA, and implementing directive issued by the State.

Dissemination of Nondiscriminatory Policies

Workforce Center operators and partners must ensure the establishment of a Notice and Communication system that makes all registrants, applicants, eligible applicant registrants, applicants for employment, employees and interested members of the public aware of the recipient's obligation to operate in a nondiscriminatory manner, and further, the extent of the right of members of these groups to file complaints of discrimination. One-Stop operators and partners will accomplish such dissemination of information by:

- including the One-Stop Center's non-discrimination policy in brochures, pamphlets and communications which are designed to acquaint registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public with the One-Stop programs and services.
- Ensuring recruitment brochures and other materials routinely made available to the public include the statements ensuring "equal opportunity employer/program" and "auxiliary aids and services are available upon requested to individuals with disabilities" and, where a telephone number is included on these materials, a TDD/TTY number must be provided for an equally effective means of communication
- Communicating information in a language other than English as required by federal regulations
- Notifying all customary referral sources that services and benefits are provided in a nondiscriminatory manner
- Displaying posters indicating the One-Stop program's nondiscriminatory policies in prominent places throughout the Board's offices and provider facilities.

Actions the State must take to comply with 29 CFR 37.23 regarding EO Officers:

The Board used the four following methods to **INSTRUCT** recipients as to the actions the State must take to comply with 29 CFR 37.23 through 37.28 with regards to EO Officers –

- (1) Arkansas Career Development Network Workforce Center Career Development Certification Instrument (see Documentation in Element 3)

This instrument was used by the Arkansas Local Workforce Investment Boards to certify the Workforce Centers of the Arkansas Career Development Network in compliance with the Federal Workforce Investment Act of 1998 and Arkansas Act

1125 of 1999 (see pages 13-14). This document was submitted to ALL entities responsible for administering workforce investment programs.

- (2) Equal Opportunity: Nondiscrimination policies and procedures (29 CFR Part 37 Implementation Section 188 of WIA)

The nondiscrimination policies and procedures manual has been disseminated to ALL Local Workforce Investment Boards and made a part of MOA submitted to CRC.

(3) Memorandum from the Workforce Executive Director

The main source of communicating to recipients/subrecipients.

(4) Internet

One of the major methods of communicating or instructing the recipients/subrecipients on WIA policies and procedures is the Internet.

State-level and local-level EO Officers - Job Title, Agency and Position Reporting.

The following is a break-out of state and local-level EO Officers:

STATE LEVEL EO OFFICERS			
<u>NAME</u>	<u>JOB TITLE</u>	<u>AGENCY</u>	<u>REPORTING</u>
Gloria Johnson	WIA EO Manager	Arkansas Department of Workforce Services	Artee Williams Director
		WIA Workforce Board	Artee Williams Director
LOCAL-LEVEL EO OFFICERS			
<u>NAME</u>	<u>JOB TITLE</u>	<u>AGENCY</u>	<u>REPORTING</u>
Tina Roush	Executive Administrator/ EO Officer	Central AR Planning & Development District, Inc.	Director
Lori Malone	EO Officer	WIA - Eastern Arkansas Workforce	One-Stop Director
Bobbie Jo Haley	EO Officer	White River Planning & Development District	Director of Work
Linda Youngman	EO Officer	Employment & Training Services, Inc.	Executive Director
Ann Rackley	EO Officer	Northwest AR Certified Development Company	Executive Director
Shawnaa Flanigan	EO Officer	Southwest AR Planning & Development District, Inc.	Workforce Development Director
Laura Robertson	Case Management/ EO Officer	West Central Arkansas Career Development Center	WIA Coordinator
Harold Wilson	EO Officer	Western AR Employment Development Agency	One-Stop Director
Brenda Winston	EO Officer	Little Rock Workforce Center	Executive Director

Training

The type and level of training each state and local-level EO Officers received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer –

PAST TRAININGS

Training	Date	Purpose	Attendee(s)	Who Conducted Training
On-Site Training (Little Rock One Stop)	02/09	EO Training	Workforce Staff	EO Staff
2009 Tri-State Conference	03/09	EO Training	State/LWIA EO Officers/Workforce Staff/DOL	EO Staff
On-Site Training (Western Arkansas)	04/09	EO Training	Workforce Staff	EO Staff
On-Site Training (Eastern Arkansas)	05/09	EO Training	Workforce Staff	EO Staff
On-Site Training (North Central AR)	06/09	EO Training	Workforce Staff	EO Staff
On-Site Training (Pine Bluff, AR)	08/09	EO Training	Workforce Staff	EO Staff
On-Site Training (Southwest AR)	04/10	EO Training	Workforce Staff	EO Staff
On-Site Training (Northeast AR)	05/10	EO Training	Workforce Staff	EO Staff
National EO Training Symposium	08/10	Annual Training of EO Officers	State/LWIA EO Officers	DOL
Regional Training (Houston, TX)	09/10	EO Laws, ADA Harassment, etc.	EO Staff	EEOC
On-Site Training Little Rock One Stop	10/10	Violence in the Workplace	Workforce Staff	EO Staff
ADWS Central Office (Little Rock)	11/10	Introduction of EO Manager and EO Training	LWIA EO Officers	EO Staff

FUTURE TRAININGS

Training	Date	Purpose	Attendee(s)
2011 Tri-State EO Conference (Jackson, Mississippi)	04/11	EO Training	State/LWIA EO Officers
MOA, ADA and Monitoring	05/11	To update LWIA EO Officers	LWIA EO Officers
EO Training	06/11	EO Laws, ADA, Sexual Harassment and Violence in the Workplace	Workforce Staff
National EO Training Symposium	08/11	Annual Training	State/LWIA EO Officers

Training Aids/Material and Topic

Sexual Harassment – Fact Sheet for Employees Booklet ADA Technical Assistance Manual provided to all staff. “What If A Co-Worker Has HIV” – 17 minutes video.
“Expanding the Americans With Disabilities Act” – 21 minutes video.
Overview of EO Mandates Desk Reference provided all employees.
Manager’s Guide HIV and AIDS in the Workplace.
HIV and AIDS in The Workplace How Do They Affect You?
“Sexual Harassment” 20 minutes video.
Patterns (Three Part Video)
Understanding and Abiding by Title VI of the Civil Rights Act

Dissemination of Equal Opportunity Officers’ names, positions and telephone numbers to the public

The following is the manner in which the identity of the EO Officer(s) are made known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, and the interested public (29.CFR 37.26) –

The individual designated as State-level Equal Opportunity Officer and each individual designated as Local-level Equal Opportunity Officer will be identified by name position title, business address (e-mail address if applicable) and telephone number (including TDDY/TTY number) on each posted EO notice.

Please see each individual organizational chart for the identity, by name, title and organization of the individual to whom the State and each local level EO Officer reports on Equal Opportunity matters.

The “Equal Opportunity is the Law” notice shall be posted where all internal and external customers are able to review, on the employee bulletin boards, break rooms or any conspicuous place.

Press Release

The State level and local level designated EO Opportunity Officer for Administration of Regulations/Implementing Section 188 of the Workforce Investment Act 1998 (WIA) will be identified in Press Release in-State and local newspapers.

Inquiries and requests for information relative to the nondiscrimination requirements for entities receiving federal financial assistance should be directed to the state and local level EO Opportunity Officers.

Equal Opportunity is the Law Notice

In accordance with the Department of Labor’s regulations 29 CFR 37.36 (61728) the Notice and Communication will bear the state, local-level EO Officers, Director’s name, telephone numbers and addresses.

DOCUMENTATIONS

1. Job Descriptions
2. Letters Designating EO Officers
3. Organizational Charts
4. Press Release
5. Website Addresses (See Element 4)
6. Copies of Notices, Directives, Memorandums, Letters, Handbooks that Communicates the EO Officer's Name and Other Required Information
7. How and When the Identity of the LWIB EO Officers Names are Disseminated to the Public